

# FAA Reauthorization Act of 2024

AICA Response

May 22, 2024



AICA and its 70+ grassroots groups nationwide engaged with Congressional representatives on the FAA Reauthorization Act of 2024, and we thank the Congressional Representatives/offices who met with AICA on the bill mark-up in Washington, DC., and took actions to introduce bills or submit amendments. The Communities' concerns include:

- the accurate representation of aviation impacts on their lived experience.
- addressing those impacts.
- adequate inclusion of impacted Communities as key stakeholders.

Overall, AICA is dissatisfied with the FAA Reauthorization Act of 2024. It vastly overweighs the interests of the aviation industry at the expense of communities harmfully impacted by aviation and lacks substantive actions to reduce impacts. One provision that is promising explicitly includes impacted communities as stakeholders. A few provisions modified the advocate supported bill language and could be in the right direction.

AICA is providing our perspective on provisions of particular interest to the community, which we broadly categorize as follows:

- Promising
- To Be Determined (TBD)
- Not Good
- Missed Opportunities

For a handful of the provisions the details remain open for interpretation (To Be Determined) which will be determined (or highly influenced) by the FAA; AICA is calling for FAA to use its interpretation to adequately address the concerns of and/or include directly impacted communities given this will make the difference between being a positive or negative outcome for communities. Historically, ambiguity in provision language has not served the impacted community well. For example, Sec.173. and Sec 188., FAA Reauthorization Act of 2018 mandated that the FAA evaluate alternative airplane noise metrics; The Quiet Skies Caucus issued a press release "The FAA's report is unacceptable," said Rep. Bass (D-DC) and "The FAA failed to meet its mandate because it didn't evaluate alternative noise metrics, standing by standards that don't fully capture noise impacts."

## **PROMISING**

### **Sec. 793. Community Collaboration Program**

The provision has promise because it includes "updating the internal guidance of the FAA for community engagement based on interviews with impacted residents" and "recommendations solicited from individuals and local government officials in communities adversely impacted by aircraft noise". This provision is an improvement over Sec.176. Community Outreach in the FAA Reauthorization Act of 2018 which limited input from only an internal FAA ATC survey and is an example of not meeting the spirit of

community inclusion to determine community engagement. The litmus test for FAA's collaboration with the community will be whether the FAA adequately includes directly and substantially affected community representatives. A good example of interviews and recommendations from communities is the GAO study "Aircraft Noise: FAA Could Improve Outreach Through Enhanced Noise Metrics, Communication, and Support to Communities", September 2021.

Sec.793. is not a new program, it facilitates and harmonizes existing community engagement activities and includes topics from NextGen implementation to the integration of new and emerging entrants. We thank Rep. Anna Eshoo (D-CA), Rep. Stephen Lynch (D-MA), and Rep. Joseph Neguse (D-CO) for their efforts to include the voice of impacted communities.

## **TO BE DETERMINED**

### **Sec. 603. Nextgen Accountability Review**

The FAA Administrator will enter an agreement with the National Academy of Public Administration (NAPA) for a NextGen review. We are pleased to see efforts towards accountability and transparency on quantifying the operational benefits of NextGen and encourage the reporting by single site airports and metroplex locations as well as an accurate, complete, and transparent overall NextGen review given the negative noise and health impacts. It is a question of why NAPA is doing the review given previously it was the DOT Office of Inspector General starting in 2019 and for subsequent reports "FAA estimated annual benefits of \$31.1 million, which is \$30.5 million (49.5 percent) less than the minimum amount initially expected when the FAA first planned each Metroplex site." The AICA was surprised to learn that the majority of NextGen benefits as stated by FAA are 57% or \$6.2 Billion from "Passenger Travel Time Savings" covering 2010 through 2023 ([\\$10.9 Billion total benefits](#)). There are many reasons for passenger time savings for on-time arrivals and departures that have nothing to do with NextGen. We seek disclosure of what and how passenger time savings are attributed to NextGen versus other origins. Additionally, we understand that the airlines have not confirmed their fuel savings.

### **Sec. 786. Part 150 Noise Standards Update**

The provision is to clarify existing and future noise policies and standards including "Feed-back from individuals living in the vicinity of airports and in airport adjacent communities." The Administrator can interpret community inclusion and therefore reasonably would include impacted NextGen communities. They should not be excluded. Along these lines the FAA's Noise Policy Review (future noise policy) request for comment recognized and specifically asked about **all communities** in both the Federal Register Notice Docket ID FAA-2023-0855-0001 and the FAA's accompanying document *The Foundational Elements of Federal Aviation Administration Civil Service Noise Policy*; "2c. What interests or concerns do overflight communities have? How can these concerns be addressed using noise metrics? What noise metrics would address these concerns? Please explain your reasoning". The document provides the definition for "overflight communities" as "communities located under the flight paths of aircraft and vehicles that are distressed by aircraft noise and are located outside of the DNL 65 dB contour". Question "2b." is the same as "2c." except it addressed communities "in the vicinity of airports" and no definition was provided. Furthermore, since Sec.786. states the FAA seeks feedback from "individuals living in the vicinity of airports and in airport adjacent communities", we assume these two terms are not redundant and would be inclusive of NextGen communities. Why would the FAA ask for comments on future noise policy regarding all communities and not clarify future noise policies for all communities?

### **Sec. 791. UFP Study**

Many advocacy groups including local Seattle groups worked with Rep. Adam Smith (D-WA) on [H.R. 1049](#), introduced on February 14, 2023, to conduct primary research on airborne ultrafine particles (UFPs) and their effect on human health. Rep. Smith's bill specified an eligible institution of higher education to conduct the research. But what passed is Sec.791. UFP Study, a National Academies (NA) consensus report of existing research, not original research, and a modified version of HR.1049. In addition, the Administrator has the discretion to and should specify the Medical Division of the NA to lead the consensus report as experts on health.

A NA consensus report does not replace original research on UFP that is needed; a NA consensus report should come after the original research on UFP, and both should address existing disparities and negative health outcomes. So, the good news is that the National Academies will review existing research on UFPs and make recommendations. The bad news is the clock will not start to perform the much-needed new research on UFPs by an institution of higher education and currently the consensus report is not being led by the Medical Division of NA.

There is much confusion about a National Academies Study. Co-founder of AICA, Cindy Christiansen PhD has helped educate many of us. The National Academies performs a consensus report or "study" of the **existing body of research, they do not do primary research.** The National Academies studies plays an important role; they provide independent, expert, peer-review of already existing literature and then make recommendations that can accelerate policy changes such as their consensus reports on secondhand smoke and PTSD in veterans. They should be engaged when an adequate body of research already exists, and policy is sought. Topics where National Academies consensus reports are needed include bills introduced on April 10, 2023 by Rep. Stephen Lynch (D-MA) [H.R.2562 Air Traffic Noise and Pollution Expert Consensus Act](#) and [H.R.2561 Peer-Reviewed Report on Measuring Metrics and Thresholds](#).

### **Sec.792. Aviation Noise Advisory Committee**

The membership is heavily weighted in favor of industry (5 of 8 members), researcher (1 member), and "airport-adjacent communities" (2 members). The Administrator has discretion on membership and should include directly and substantially affected community representatives, including those impacted by NextGen and General Aviation and having health expertise. The outlook for the provision varies depending on how well the Administrator selects true community representatives. The provision modifies and reduces the intent of Rep. Lynch's (D-MA) [H.R. 2565](#) which specified a majority representation from directly impacted communities. Sec.792. Committee members are already well represented on the typical and weighted pro-aviation FAA committees such as the NextGen Advisory Committee (NAC) and the Research, Engineering and Development Advisory Committee (REDAC).

### **Sec.795. Mechanisms To Reduce Helicopter Noise**

A GAO study on ways that state and local governments can mitigate commercial helicopter noise. Considerations will be taken of varying degrees of operations in different communities and actions taken and the success of such actions. The study may provide useful information for communities impacted by rotorcraft and GAO has a strong track record of interviewing directly impacted grassroots communities. The study should confirm the limitations of state and local governments to mitigate helicopter noise and identify any successful actions. Then, next steps and recommendations can be undertaken.

### **Sec.916. Unmanned And Autonomous Flight Advisory Committee**

FAA to establish the advisory committee regarding technical challenges to the certification and operational standards of highly automated aircraft. Membership composition requires one member from “Community Advocates” which is at the Administrator's interpretation. AICA requests a directly impacted community representative as a member who is not funded by industry or financially benefits from unmanned and autonomous flight operations.

### **NOT GOOD**

#### **Sec. 770. Grant Assurances**

Airports or operators cannot restrict the sale of leaded avgas if such gasoline was available during calendar year 2022 until either December 31, 2030, or the date an airport makes available an unleaded avgas that has received FAA approval and meets either an industry consensus or other safety standard as determined by the Administrator. This means Airports that restricted leaded avgas before 2022 are grandfathered. We need to cease lead contamination. Given the extensive health concerns, any ambiguity or roadblocks should be removed by the Administrator (“as determined by the Administrator”) to stop selling 100LL; EPA’s October 23, 2023 “final determination that emissions of lead from aircraft that operate on leaded fuel cause or contribute to air pollution which may reasonably be anticipated to endanger public health and welfare under the Clean Air Act.” Since [G100UL is approved by the FAA](#) it meets the [two conditions for available unleaded aviation gasoline](#).

#### **Sec.787. Reducing Community Aircraft Noise Exposure**

At first glance this appears to be an outstanding win for impacted communities. Upon further review there is a catch. Actions can be taken if there is a consensus community recommendation and if it does not negatively affect efficiency e.g., flying further to reduce impacts. Fortunately, there are instances where the FAA has made changes to reduce noise impacts that resulted in further miles flown so the FAA’s discretion seems to leave the door somewhat open.

Ironically, the FAA did not seek or get consensus from the potentially impacted communities before NextGen was implemented resulting in serious noise impacts. AICA supports the Noise Policy Review Document ID # FAA-2023-0855-2255 comment by Nicholas Miller, Co-founder of HMMH and retired, “FAA needs to provide these citizens with hopes that some sincere efforts will be made to improve their lives. FAA should not become another government agency in which no one has any confidence that it is capable of responding to their needs or that it is attempting to make their lives better” and “...analyze in detail, how much distance, time and fuel are saved with the RNAV, PBN, Metroplex, NextGen or whatever the current procedures are called. This effort must apply to specific procedures, not generic ones. If only minor savings are found, go back to the prior guidance (vectors?). It’s a bit hard to believe the new ones are much safer – were the previous ones less safe?” Additionally, an argument that has been made justifying Sec.787. is that it codifies what is already required by law. If that is the case, we ask the FAA to share the original legal citation.

#### **Sec.788. Categorical Exclusions**

The provision exempts qualifying projects from full environmental reviews based on FAA funding level. The problem is the project could still have major environmental impacts and no environmental review is needed. Although the FAA has a caveat of “extraordinary circumstances”, this is ambiguous. Secondly, a potential loophole is if an airport receives multiple grants that are part of a larger infrastructure project, and each grant is smaller than \$6M; an airport can avoid environmental review for the entire project.

### **Sec.803. Data Privacy**

Private aircraft owners/operators can withhold registration numbers or other similar identifying data for their aircraft from public dissemination or display for non-commercial flights. Just as there is no right to privacy when driving a vehicle on public roads, there should be no right to privacy for aircraft flying in public airspace. Unfortunately, there are cases of private aircraft flying at unsafe low altitudes or needlessly and closely overflying houses and other noise sensitive locations and the pilots will not be identifiable. For example, an FAA employee overflew an advocate's home repeatedly and was identified. Although this was not illegal, it was unprofessional. General Aviation airports usually have less security than commercial airports so this in combination with not identifying registration numbers of aircraft could be problematic.

### **Sec.827. EAGLE Initiative**

Requires FAA to continue to partner with industry and Federal stakeholders to Eliminate Aviation Gasoline Lead and Emissions Initiative (EAGLE) through the end of 2030. There is no longer a need for EAGLE to continue and receive funding. A fleet wide fuel is [now available with GL100UL](#).

### **Sec.829. Prohibition On Using Ads-B Out Data to Initiate an Investigation**

Prohibits FAA from initiating an investigation (excluding a criminal investigation) of a person based exclusively on ADS-B out data. ADS-B is a useful tool to identify unsafe operations. Today the FAA requests data (n#, altitude, etc.) from the public when investigating an incident which ADS-B provides.

### **Sec.917. NextGen Advisory Committee Membership Expansion**

Expands membership of NextGen Advisory Committee (NAC) to include one rep from the unmanned aircraft system industry and one rep from the power-lift industry. The NAC continues to have inadequate representation of directly impacted communities.

### **Sec.953, 955, 957, 960, 1012. – Related to Advanced Air Mobility**

The new Advanced Air Mobility (AAM)/Urban Air Mobility (UAM) technologies are expected to have negative impacts from the number and type of aircraft such as: the loudness (including the whirring of the multiple rotors), visual pollution, the sheer frequency of noise events, the hovering, the low altitude of overflight, the time of day (noise in the early AM and late PM hours has greater impact), privacy concerns, threat to wildlife and their habitat, and the safety risk associated with more and different types of aircraft overhead. **For these provisions related to Advanced Air Mobility there is no clear emphasis or adequate representation regarding environmental impacts to communities.**

**Sec.953.** DOT to work with Council on Environmental Quality to develop new categorical exemptions under NEPA for airport vertiport projects. **Sec.955.** Finalize proposed rule for pilot certification for operation of power-lift aircraft and include content to facilitate qualification of pilots.

**Sec.957.** Revise ATC policies to allow power-lift aircraft to use existing air traffic procedures and develop necessary airport, heliport, and vertiport procedures. **Sec.960.** Extends pilot program granting up to \$12.5M/year to airports to develop AAM related vertiports and infrastructure and expands what is eligible for funds. **Sec.1012.** A GAO study to assess the safe and scalable operation and integration of electric aircraft into the national airspace. The study could consider environmental impacts to communities; GAO has a strong track record of interviewing directly impacted grassroots communities for their studies.

### **Sec.1009, 1010, 1011, 1025. – Related to High-Speed Aircraft**

Supersonic aircraft are another concern because sonic booms are highly disruptive both from a noise and vibrations perspective. People are startled and frightened. Sonic booms disrupt sleep, rest, concentration, work, and interfere with communication. In 1973, the FAA banned sonic booms over land for supersonic civilian aircraft (14 CFR Part 91.817). This ban is still in effect and should remain in effect. No sonic boom, even muffled, should be allowed over the United States land and territorial sea: supersonic aircraft should operate as subsonic aircraft over the United States land and territorial sea. **For these provisions related to High-Speed Aircraft there is no clear emphasis or adequate representation regarding environmental impacts to communities.**

**Sec.1009.** FAA to establish procedures for testing and demonstration, then issuing flight procedures for supersonic flights within 1 year and hypersonic flights within 2 years. **Sec.1010.** FAA to conduct a study for the operation and integration of high-speed aircraft into the national airspace. **Sec.1011.** FAA to conduct research to identify the minimum altitude above the upper boundary of Class A airspace at or above high-speed flights operating above Mach1 that do not produce appreciable sonic boom overpressures to reach the surface under atmospheric conditions. **Sec.1025.** FAA with NASA and industry to identify plans to build upon existing research and development and identify additional research needed for the certification and operation of supersonic aircraft and supersonic overland flight.

### **MISSED OPPORTUNITIES**

The overarching bill that could potentially address many of the concerns from impacted communities is Representatives Eshoo (D-CA), Cardenas (D-CA), Mullin (D-CA), Panetta (D-CA), and Sherman (D-CA) H.R. 6549 F-AIR Act that would revise the priorities of the Federal Aviation Administration in developing plans and policies for the use of navigable airspace to ensure safety, noise, health impacts, and environmental concerns are properly addressed. This would be a gamechanger for impacted communities ensuring a National Airspace system that works for all and enacts FAA's statement "Communities concerns regarding noise have and continue to be a primary factor underlying the FAA's noise-related policies", *Inter-Noise 2023*.

Additionally, there are a set of bills that address specific aviation impacts or issues that are missed opportunities.

**H.R. 2561 Peer-Reviewed Report on Measuring Metrics and Thresholds**, introduced by Rep. Lynch (D-MA) on April 11, 2023, for a National Academies consensus report that identifies and recommends a system of measuring aviation noise. This would be an independent, peer-reviewed report from scientific experts versus paid consultants to assess metrics and thresholds to inform FAA's noise policy.

**H.R.2562 Air Traffic Noise and Pollution Expert Consensus Act**, introduced by Rep. Lynch (D-MA) on April 11, 2023, for a National Academies consensus report on the various health impacts of air traffic noise and pollution. This would be an independent, peer-reviewed report from medical experts versus paid consultants to review existing literature and make recommendations to inform policy on the aviation impacts on health.

**HR.2565 Impacted Communities Advisory Committee**, introduced by Rep. Lynch (D-MA) on April 10, 2023, would establish a committee to provide advice and recommendations to the FAA regarding noise policy, community engagement, integration of new and emerging technologies, and mitigation of noise, pollution, and health impacts for communities both close to airports and for communities away from airports.

**H.R.1009 Protecting Airport Communities from Particle Emissions Act**, introduced by Rep. Smith (D-WA) on February 14, 2023, to direct the Federal Aviation Administration and the Environmental Protection Agency to jointly contract with an institution of higher education to study the characteristics, distributions, sources, and potential human health effects of airborne ultrafine particles.

**H.R.2564 Noise Data Collections Act**, introduced by Rep Lynch (D-MA) on April 10, 2023, for FAA to report the number of individuals exposed to certain levels (DNL 65 dBA, 55 dBA, and 46 dBA) of aviation noise based on the Neighborhood Environmental Survey (NES) of 12.3% highly annoyed extrapolated at DNL 46. Today, the FAA produces data on the outdated Schultz curve instead of the new National curve based on the NES.

**Addressing General Aviation Impacts: H.R.4495 Aircraft Noise Reduction Act**, introduced by Rep Neguse (D-CO) on July 6, 2023, **H.R.1187 Civil Aviation Security and Safety Act** and **H.R.2564 Aircraft Ownership Transparency Act**, introduced by Rep Lynch (D-MA) in February 24, 2023 and April 10, 2023 respectively

**Addressing Helicopter Impacts: H.R.2585 Hawaii Air Tour Management and H.R.1071 Safe and Quiet Skies Act**, introduced by Rep. Case (D-HI) on February 17, 2023 and April 14, 2023 respectively, **H.R. 1257 Reducing Helicopter Noise in the District of Columbia Act**, introduced by Rep. Norton (D-DC) on February 28, 2023, **H.R. 2613 Communities Before Air Tourism Act**, introduced by Menendez (D-NJ) on April 13, 2023, **H.R.2626 Air Tour and Sport Parachuting Safety Improvement Act**, introduced by Rep. Tokuda (D-HI) on April 13, 2023.

As the FAA works to implement the FAA Reauthorization Act of 2024 there are two major changes that occurred in the last 15 years that should be addressed: NextGen and the Neighborhood Environmental Survey (NES). We are at an inflection point for the national airspace system and its consequences. The FAA has not adequately included directly impacted communities as key stakeholders with the exception of the [FAA and AICA Panel Discussion webinar](#) July 2023 on the Noise Policy Review. The AICA hopes and calls on the FAA to embrace new thinking in the 21<sup>st</sup> century and fulfill its assertions of “engaging in dialog and collaboration with communities affected by FAA actions” and “Communities concerns regarding noise have and continue to be a primary factor underlying the FAA’s noise-related policies” through its interpretation and implementation of the FAA Reauthorization Act of 2024.